

1 KAZEROUNI LAW GROUP, APC
2 ABBAS KAZEROUNIAN (249203)
3 ak@kazlg.com
4 MIKE KAZEROUNI (252835)
5 mike@kazlg.com
6 245 Fisher Avenue, Suite D1
7 Costa Mesa, CA 92626
8 Telephone: (800) 400-6808
9 Facsimile: (800) 520-5523

10 KAZEROUNI LAW GROUP, APC
11 JASON A. IBEY (284607)
12 jason@kazlg.com
13 321 N Mall Drive, Suite R108
14 St. George, Utah 84790
15 Telephone: (800) 400-6808
16 Facsimile: (800) 520-5523

17 Attorneys for Plaintiff
18 WAYNE SKILES

19 COOLEY LLP
20 MICHAEL G. RHODES (116127)
21 (rhodesmg@cooley.com)
22 JEFFREY M. GUTKIN (216083)
23 (jgutkin@cooley.com)
24 KYLE C. WONG (224021)
25 (kwong@cooley.com)
26 101 California Street, 5th Floor
27 San Francisco, CA 94111-5800
28 Telephone: (415) 693-2000
Facsimile: (415) 693-2222

Attorneys for Defendant
TESLA, INC.

*Additional attorneys for Defendants are
listed on signature page*

19 UNITED STATES DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA
21 SAN FRANCISCO DIVISION

22 WAYNE SKILES,

23 Plaintiff,

24 v.

25 TESLA, INC., EXPERIAN INFORMATION
26 SOLUTIONS, INC., and SALESFORCE
27 VENTURES, LLC,

28 Defendants.

Case No. 3:17-cv-05434-WHO

**STIPULATION TO CONTINUE HEARING
AND FOR BRIEFING SCHEDULE FOR
DEFENDANTS TESLA, INC.'S AND
EXPERIAN INFORMATION SOLUTIONS,
INC.'S MOTIONS TO DISMISS
PLAINTIFF'S FIRST AMENDED
COMPLAINT AND [PROPOSED] ORDER**

Judge: Hon. William H. Orrick

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1 Pursuant to Civil Local Rules 6-1(a) and (b), plaintiff Wayne Skiles (“Plaintiff”) and
2 Defendants Tesla, Inc. (“Tesla”) and Experian Information Solutions, Inc. (“Experian”), by and
3 through their respective counsel, hereby stipulate as follows:

4 WHEREAS, Plaintiff filed his First Amended Complaint against Defendants in the Northern
5 District of California on or about December 22, 2017 (Dkt. No. 61) (the “First Amended Complaint”);

6 WHEREAS, Tesla filed a Motion to Compel Arbitration and to Stay Plaintiff’s First Amended
7 Complaint, or, alternatively, to Dismiss Plaintiff’s First Amended Complaint on January 24, 2018
8 (Dkt. No. 64);

9 WHEREAS, Plaintiff filed an Opposition to Defendant Tesla, Inc.’s Motion to Compel
10 Arbitration and Dismiss or Stay Plaintiff’s First Amended Complaint on March 7, 2018 (Dkt. No. 70)
11 (the “Original Opposition”);

12 WHEREAS, Tesla submitted its Reply in Support of its Motion to Compel Arbitration and to
13 Stay Plaintiff’s First Amended Complaint, or, Alternatively, to Dismiss Plaintiff’s First Amended
14 Complaint on April 4, 2018 (Dkt. No. 73) (the “Original Reply”);

15 WHEREAS, the Court granted Tesla’s Motion to Compel and stayed the proceedings against
16 Defendants on May 16, 2018 (Dkt. No. 76);

17 WHEREAS, Plaintiff filed a Motion to Lift the Stay wherein it requested an opportunity for
18 the parties to submit new briefing on the motions to dismiss on October 7, 2019 (Dkt. No. 91);

19 WHEREAS, on November 6, 2019, the Court issued an Order (Dkt. No. 98) granting Plaintiffs’
20 Motion to Lift the Stay; requiring Experian to file a response to the First Amended Complaint within
21 twenty-one (21) days of the Order; permitting Plaintiff to file a revised opposition to Tesla’s Motion
22 to Dismiss (Dkt. No. 64) (the “Supplemental Opposition”) not to exceed ten (10) pages on the same
23 day its response to Experian’s motion is due; and permitting Tesla to file a reply in support of its
24 motion to dismiss (the “Supplemental Reply”) not to exceed ten (10) pages two weeks thereafter;

25 WHEREAS, Plaintiff and Tesla understand that the Supplemental Opposition and
26 Supplemental Reply are supplemental to and will be considered in conjunction with the Original
27 Opposition (Dkt. No. 70) and Original Reply (Dkt. No.73);

28 WHEREAS, Experian filed a Motion to Dismiss Plaintiff’s First Amended Complaint on

1 November 27, 2019 and noticed a hearing for that motion for January 15, 2020 (Dkt. No. 99);

2 WHEREAS, Plaintiff's opposition to Experian's motion to dismiss and Supplemental
3 Opposition to Tesla's motion to dismiss are currently due December 11, 2019;

4 WHEREAS, Experian's reply in support of its motion to dismiss is currently due December
5 18, 2019;

6 WHEREAS Tesla's Supplemental Reply in support of its motion to dismiss is currently due
7 December 26, 2019;

8 WHEREAS, the parties have agreed to a briefing and hearing schedule that will allow for a
9 more complete and orderly presentation of the disputed issues and that will avoid holiday conflicts
10 created by the original schedule;

11 NOW THEREFORE, the parties hereby STIPULATE and AGREE as follows, through their
12 undersigned counsel:

- 13 1. Plaintiff opposition to Experian's motion to dismiss and Supplemental Opposition to
14 Tesla's motion to dismiss will be due on January 3, 2020;
- 15 2. Experian's reply in support of its motion to dismiss and Tesla's Supplemental Reply in
16 support of its motion to dismiss will be due on January 31, 2020;
- 17 3. The hearing on Defendants' motions to dismiss will be continued to February 19, 2020 or
18 as soon thereafter as is convenient for the Court.

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20 **IT IS SO STIPULATED.**

1 Dated: December 3, 2019

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KAZEROUNI LAW GROUP, APC

/s/ Jason Ibey

Jason Ibey
Attorneys for Plaintiff
WAYNE SKILES

Dated: December 3, 2019

COOLEY LLP

/s/ Jeffrey M. Gutkin

Jeffrey M. Gutkin
Attorneys for Defendant
TESLA, INC.

Dated: December 3, 2019

JONES DAY

/s/ John A. Vogt

John A. Vogt
Attorneys for Defendant
EXPERIAN INFORMATION SOLUTIONS, INC.

ORDER

2 The Court, having considered the parties' Stipulation to Continue Hearing and for Briefing
3 Schedule for Defendants Tesla, Inc.'s and Experian Information Solution, Inc.'s Motions to Dismiss
4 Plaintiff's First Amended Complaint, hereby extends Plaintiff's deadline to oppose Experian's motion
5 to dismiss and file his supplemental opposition to Tesla's motion to dismiss to January 3, 2020;
6 extends Experian's deadline to reply in support of its motion to dismiss and Tesla's deadline to file a
7 supplemental reply in support of its motion to dismiss to January 31, 2020; orders that Plaintiff's
8 supplemental opposition and Tesla's supplemental reply be considered in conjunction with the original
9 opposition (Dkt. No. 70) and original reply (Dkt. No.73); and continues the hearing for Defendants'
10 motions to dismiss to February 19, 2020.

PURSUANT TO THE STIPULATION, IT IS SO ORDERED.

Dated: December 9, 2019


The Honorable William H. Orrick
United States District Judge

ATTESTATION OF CONCURRENCE IN FILING

In accordance with N.D. Cal. L.R. 5-1(i)(3), I hereby attest that I have obtained the concurrence of all other signatories in the filing of this document.

Dated: December 3, 2019

COOLEY LLP

/s/ Jeffrey M. Gutkin

Jeffrey M. Gutkin

Attorneys for Defendant
TESLA, INC.

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